

\*E-Filed 1/13/11\*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

**IN RE OPTICAL DISK DRIVE  
ANTITRUST LITIGATION**

CASE NO. 3:10-md-2143 RS

**ORDER RE SCHEDULING OF  
HEARINGS ON MOTIONS TO DISMISS**

This Document Relates to:

ALL ACTIONS

On January 4, 2011, an order entered continuing all of the then-pending motions to dismiss until February 9, 2011. On January 12, 2011, an additional motion to dismiss was filed, which set a hearing date of February 16, 2011, in conformance with the 35 day notice requirement of Local Civil Rule 7. Concerns of efficient case management include all of the following:

1. Motions that raise identical, similar, or related issues should be heard together when practicable, and multiple hearings in a single case during a short period of time are rarely in the interests of the parties or the Court.
2. Defendants who have already filed motions to dismiss, however, should not have to wait indefinitely to have those motions heard, particularly where briefing is already complete.
3. In the event the motions to dismiss of *all* defendants cannot practicably be heard at the same time, it may be preferable to delay the briefing and hearing of any later motion or motions

1 until after a ruling has issued on the initial group of motions. While the ruling on the initial  
2 motions may not be strictly binding on later-appearing defendants even to the extent the issues  
3 overlap, it likely would serve to narrow and focus any disputes that might remain.

4 Accordingly, the parties are hereby ordered to meet and confer and to submit a joint report  
5 to the Court advising as to (a) how many additional motions to dismiss, if any, are reasonably  
6 anticipated, and (b) when any such motions are likely to be filed. The parties shall also submit a  
7 joint proposal for scheduling the hearings on the motions already on file and a procedure for  
8 scheduling any further motions that may be filed, taking into account the issues identified above.  
9 In the event the parties are unable to reach an agreement on such a joint proposal, each side may  
10 submit its own proposal. For this purpose, defendants shall designate a single party to present  
11 their consensus view, together with any dissenting views that any among them may wish to have  
12 conveyed to the Court. The parties' report or reports may be e-filed in letter form, and should be  
13 submitted as soon as possible, but no later than January 26, 2011.

14  
15  
16 IT IS SO ORDERED.

17 Dated: 1/13/11



RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE